May 26, 1969. 395 U.S.

BROTHERHOOD OF RAILROAD TRAINMEN ET AL. *v.* O'CONNELL ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

No. 158. Argued January 14, 1969.– Decided May 26, 1969.*

No. 158, 391 F. 2d 156; No. 172, 391 F. 2d 289, vacated and remanded.

Arnold B. Elkind argued the cause and filed a brief for petitioners in No. 158. *David Leo Uelmen* argued the cause for petitioners in No. 172. With him on the briefs were *David Previant, John J. Naughton, James P. Reedy,* and *Gerry M. Miller.*

Lee Leibik argued the cause for respondents in both cases. With him on the briefs was *Ruth Weyand.*

Harold A. Ross filed briefs for the Brotherhood of Locomotive Engineers as *amicus curiae* urging reversal in both cases.

Harold C. Heiss filed a brief for the Brotherhood of Locomotive Firemen & Enginemen as *amicus curiae* urging affirmance in both cases.

PER CURIAM.

The judgments are vacated and the cases are remanded to the respective district courts with instructions to dismiss the cases as moot.

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*Together with No. 172, *Dirks et al.* v. *Birkholz et al.*, on certiorari to the United States Court of Appeals for the Seventh Circuit, argued on the same day.